

Exhibit 33

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May 27, 2020

Josef M. Klazen, Esq.
 Kobre & Kim LLP
 800 Third Avenue
 New York, New York 10022

Re: *In re Application of Benjamin Steinmetz for an Order to Take Discovery from Vale S.A., Vale Americas Inc., Rio Tinto PLC, and Rio Tinto Limited pursuant to 28 U.S.C. § 1782, 20-mc-212-AJN (S.D.N.Y.)*

Dear Mr. Klazen:

I write on behalf of Vale S.A. and Vale Americas Inc. (collectively “Vale”) in response to your May 26, 2020 letter.

Vale reiterates its willingness to accept a bilateral agreement whereby this firm accepts service on behalf of Vale and Kobre & Kim accepts service on behalf of Benjamin Steinmetz with respect to any proceedings in the Southern District of New York related to or arising from Vale’s and BSGR’s Guinean joint venture. For obvious reasons, your suggestion that we accept service on behalf of Vale before Mr. Steinmetz decides whether he is interested in a bilateral arrangement is unappealing. Please advise us when your client has made a decision.

Separately, thank you for furnishing us with the transcripts yesterday. As I noted in my initial request to you, Dr. Yanus’ Declaration expressly references recorded conversations with “a number of individuals who are familiar with the case and the relevant parties” during “in-person meetings [] to obtain information relevant to the case through conversations with the individuals” and “conversations [that] took place in person during meetings in public places or through video conference calls or telephone calls.” Dr. Yanus notes that “[e]ach [aforementioned] conversation is recorded from start to finish” and that “Black Cube preserves each of the audio recordings in its entirety.”

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Since you represented to us in your letter (and to the Court, given that you elected to file it) that you have produced all of the “materials referenced in Dr. Yanus’ Declaration,” please confirm that neither you, Mr. Steinmetz nor Black Cube has any other memorialization of the conversations referenced by Dr. Yanus in paragraphs 21-23. For the avoidance of doubt, we ask you to confirm that the transcripts and recordings that you provided to us yesterday constitute the entire universe of transcripts and recordings referenced by Dr. Yanus in his description of the work Black Cube performed in its investigation of the events surrounding the dispute arising from Vale’s and BSGR’s Guinean joint venture. If there are any other such recordings or transcriptions notwithstanding your letter to us, we demand their production no later than the close of business tomorrow.

Moreover, your representation that you have produced “[t]he materials referenced in Dr. Yanus’ Declaration” appears to have overlooked the “comprehensive research” referenced in paragraph 20 of Dr. Yanus’ Declaration. We note that Mr. Steinmetz has reported to the media that he engaged a team of 20 Black Cube agents and, therefore, it appears unlikely that the transcripts and recordings you provided to us were truly all of “[t]he materials referenced in Dr. Yanus’ Declaration.” In light of your representation to us and the Court, please produce the remainder of such materials no later than the close of business tomorrow.

Vale reserves all rights.

Very truly yours,
Jeffrey A. Rosenthal